

REMARKS

The finality of the rejection

Applicants respectfully request a withdraw of the finality of the Action mailed March 23, 2009. The newly cited reference to Winder (U.S. Patent No. 5,489,047), class 222 (Dispensing), is in the same class as the previously cited reference to Bell et al. (U.S. Patent No. 5,725,131). Moreover, the newly cited references of Curie et al. (U.S. Patent No. 3,173,579) and Taljaard et al (UK Patent Application GB 2,088,837) also clearly relate to the dispensing arts covered in class 222. It is respectfully submitted that Applicant's originally filed claims were of such a scope that the Winder, Curie, and Taljaard references could have reasonably been cited in a previous Office Action and dealt with by the Applicants in response thereto. As required by 37 C.F.R. §1.116 (b)(3), the Applicants have proffered good and sufficient reasons as to why the present amendment, discussed below, is necessary and not earlier presented. Therefore, withdrawal of the finality of the previous Action and entry of the present amendment is respectfully requested.

Rejections under 35 U.S.C. § 102(b)

Claims 5 and 7 have been rejected as being anticipated by Winder. Applicants respectfully disagree. Claim 5 recites, inter alia, a top edge defining a locating recess for receipt of a projection on the container. Winder, in contrast, teaches a recess 46 that receives projections 48 of the valve mechanism 18. No part of Winder's container 16 projects into or is received in the locating recess 46. Moreover, with respect to claim 7, no part of Winder's top edge 44 circumscribes a portion of the container 16. *See*, Fig. 6 of Winder. Thus, Winder does not teach what is claimed.

Claims 2 and 5-7 have been rejected as being anticipated by Taljaard. Applicants respectfully disagree. Claim 2 recites that the first and second flanges are connected on a forward side by a vertically extending rib. The Examiner has cited to the "filled in portions" between element 23 (Fig. 1), or element 64 (Fig. 3), and the Applicants object to the characterization of these features as "ribs." In any event, neither of the so-called ribs of Taljaard extends between two flanges, thereby *connecting* the two flanges. Claim 5 recites that the recess has a pair of upstanding sides that are circumferentially spaced from each other. Fig.

3 of Taljaard might show elements 52 and 54 axially spaced from one another (along the axis of the bore), but those features are not *circumferentially* spaced from one another. Fig. 4 of the subject application shows that the sides 56, 58 are circumferentially spaced from one another (that is, spaced from one another around the circumference of the circular shaped top edge 53. Moreover, claim 7 recites that the top edge extends axially upward relative to the first flange, and the Examiner has not identified this recited feature in Taljaard.

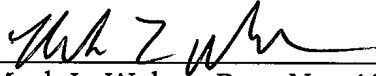
Claim 5 has been rejected as being anticipated by Curie. Applicants disagree. Claim 5 recites a top edge defining a locating recess, the recess having a pair of upstanding sides circumferentially spaced from each other. Curie does not teach this, because the two sides of groove 37a are *radially* spaced from each other, rather than being circumferentially spaced. If one were to view Fig 3 from a top plan perspective, one would see an annular groove 37a with an annular base and an upstanding side at an outer radius location and an upstanding side at an inner radius location. These sides are not even on the same circumference, let alone spaced from one another circumferentially.

Conclusion

In light of the foregoing, a Notice of Allowance of all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

In the event that any fees are due with the filing of this Amendment, the Commissioner is hereby authorized to charge deposit account 18-0987.

Respectfully submitted,



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June 23, 2009